SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. MATTHEW AARON LLANEZA (3/18/1984), 2893 CARGO DR, SAN JOSE, CA Defendant(s)	05/18/11 DA NO 110510089 CEN 11019011 ML HELD 5/31/2011 INFORMATION NO. C1106150

FILED
MAY 26 2011
DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

INFORMATION SUMMARY

Count	Charge	Charge Range	Defendant	Allegation	Alleg. Effect
1	PC12280(a)(1)	4-6-8	MATTHEW AARON LLANEZA		
2	PC12020(a)(2)	16-2-3	MATTHEW AARON LLANEZA		

The District Attorney of the County of Santa Clara, by this Information alleges that:

COUNT 1

On or about April 17, 2011, in the County of Santa Clara, State of California, the crime of MANUFACTURE, TRANSPORTATION SALE, OR POSSESSION OF AN ASSAULT WEAPON OR .50 BMG RIFLE, in violation of PENAL CODE SECTION 12280(a)(1), a Felony, was committed by MATTHEW AARON LLANEZA who did unlawfully manufacture, cause to be manufactured, distribute, transport, import into this state, keep for sale, offer and expose for sale, give and lend a(n) assault weapon.

COUNT 2

On or about April 17, 2011, in the County of Santa Clara, State of California, the crime of MANUFACTURING, IMPORTING, KEEPING FOR SALE, OFFERING, GIVING, LENDING A LARGE-CAPACITY MAGAZINE, in violation of PENAL CODE SECTION 12020(a)(2), a Felony, was committed by MATTHEW AARON LLANEZA who did import into the state and keep for sale a large-capacity magazine, a AK-47 type 30 round magazine.

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Pursuant to Penal Code Section 1054 through 1054.7, inclusive, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of any physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer as evidence at the trial. (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

Jeffrey F. Rosen
District Attorney

By _____
Alaleh Kianerci
Deputy District Attorney

ABSTRACT OF JUDGMENT – PRISON COMMITMENT - DETERMINATE

[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: **SANTA CLARA - HALL OF JUSTICE**		
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: **Matthew Aaron Llaneza** DOB: **03-18-84** AKA: CII#: **A31984809** BOOKING #: **11019011** PFN: **EAY062** ☐ NOT PRESENT COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT ☐ AMENDED ABSTRACT	**C1106150** -A -B -C -D	

DATE OF HEARING: **11-03-11**	DEPT. NO.: **34**	JUDGE: **David A. Cena**
CLERK: **C. Jarrett**	REPORTER: **S. Upton**	PROBATION NO. OR PROBATION OFFICER: **M. Kurzenknabe** ☐ IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE: **Kianerci**		COUNSEL FOR DEFENDANT: **C. Bowman** ☐ APPTD.

1. Defendant was convicted of the commission of the following felonies:
   ☐ Additional counts are listed on attachment
   ___ (number of pages attached)

CNT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY: JURY	CONVICTED BY: COURT	CONVICTED BY: PLEA	TERM (L, M, U)	CONCURRENT	CONSECUTIVE 1/3 VIOLENT	CONSECUTIVE 1/3 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (refer to item 5)	654 STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED: YRS.	PRINCIPAL OR CONSECUTIVE TIME IMPOSED: MOS.
1	PC	12280(a)(1)	Mfg/trans/sale/poss assault weapon	2011	10-11-11			X	M							6	0
2	PC	12020(a)(1)	Mfg/import lg capacity magazine	2011	10-11-11			X	M	X						(2	0)
					- -												
					- -												
					- -												
					- -												

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL	

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL	

4. ☐ Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).
   ☐ PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed (Paper Commitment). Deft. Ordered to report to Local Parole Office upon release.

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: ____ ____

7. ☐ Additional indeterminate term (see CR-292).

8. TOTAL TIME EXCLUDING COUNTY JAIL TERM: **6** **0**

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

Form Adopted for Mandatory Use
Judicial Council of California
CR –290 (Rev. January 1, 2007)

ABSTRACT OF JUDGMENT – PRISON COMMITMENT – DETERMINATE
[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

Penal Code,
§§ 1213, 1213.5

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: Matthew Aaron Llaneza			
C1106150 -A	-B	-C	-D

9. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

a. Restitution Fine(s):

Case A: $2,400 per PC 1202.4(b) forthwith per PC 2085.5; $2,400 per PC 1202.45 suspended unless parole is revoked.
Case B: $_____ per PC 1202.4(b) forthwith per PC 2085.5; $_____ per PC 1202.45 suspended unless parole is revoked.
Case C: $_____ per PC 1202.4(b) forthwith per PC 2085.5; $_____ per PC 1202.45 suspended unless parole is revoked.
Case D: $_____ per PC 1202.4(b) forthwith per PC 2085.5; $_____ per PC 1202.45 suspended unless parole is revoked.

b. Restitution per PC 1202.4(f):

Case A: $_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
Case B: $_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
Case C: $_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
Case D: $_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

(*List victim name(s) if known and amount breakdown in item 11, below.)

c. Fine(s):

Case A: $_____+_____ **PA** per PC 1202.5. $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ CC ☐ CS
Case B: $_____+_____ **PA** per PC 1202.5. $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ CC ☐ CS
Case C: $_____+_____ **PA** per PC 1202.5. $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ CC ☐ CS
Case D: $_____+_____ **PA** per PC 1202.5. $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ CC ☐ CS

d. Lab Fee and Drug Program Fee:

Case A: Lab Fee: $_____ + _____ **PA** per HS 11372.5(a) for counts _____. ☐ Drug Program Fee of $150 + _____ **PA** per HS 11372.7(a).
Case B: Lab Fee: $_____ + _____ **PA** per HS 11372.5(a) for counts _____. ☐ Drug Program Fee of $150 + _____ **PA** per HS 11372.7(a).
Case C: Lab Fee: $_____ + _____ **PA** per HS 11372.5(a) for counts _____. ☐ Drug Program Fee of $150 + _____ **PA** per HS 11372.7(a).
Case D: Lab Fee: $_____ + _____ **PA** per HS 11372.5(a) for counts _____. ☐ Drug Program Fee of $150 + _____ **PA** per HS 11372.7(a).

e. Court Security Fee: A - $80 B - $_____ C - $_____ D - $_____

10. TESTING

a. ☐ AIDS pursuant to PC 1202.1 b. ☒ DNA pursuant to PC 296 c. ☒ Compliance with PC296 verified d. ☐ other *(specify)*:

11. Other orders *(specify)*:

PC12021 ordered. Probation denied. Report to APO within 2 days upon release. ICMF $60. Dispose of weapon pur PC12028/PC12029. Submit search/testing. Educ/Voc Trng/Empl. No alcohol/drugs or where sold. Substance abuse, Psych cnsl/prgm. P/SUP $60 imposed over th deft's objection and subject to further review by this Court. Advised 5 yrs MS. Bal susp 5 yrs. Sentenced pur PC1170h. Sentence deemed served. Deft ordered to inform APO of the disposition and/or whereabouts of thes weapons within 30 days of release from custody: Sig Sauer P250 .357, serial #EAK024939; Taurus PT-22 .22, serial #Y115350;CZ75 9mm serial #AS08040; Makarov 9mm serial #K0382176; Makarov 9mm serial #BE252484.

12. EXECUTION OF SENTENCE IMPOSED

a. ☒ at initial sentencing hearing.
b. ☐ at resentencing per decision on appeal.
c. ☐ after revocation of probation.
d. ☐ at resentencing per recall of commitment. (PC 1170(d).)
e. ☐ other *(specify)*:

13. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A	372	186	186 ☒ 4019 ☐ 2933.1
B			☐ 4019 ☐ 2933.1
C			☐ 4019 ☐ 2933.1
D			☐ 4019 ☐ 2933.1

Date Sentence Pronounced:	Time Served in State Institution: DMH	CDC	CRC
11-03-11	[ ]	[ ]	[ ]

14. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.
To be delivered to ☐ the reception center designated by the director of the California Department of Corrections.
☒ other *(specify)*: **SENTENCED PUR PC1170h. SENTENCE DEEMED SERVED.**

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
Juli Maggio	**11-09-11**

SUPERIOR COURT
190 W. HEDDING STR T
SAN JOSE, CA 95110

CORRECTED

CASE NO. C1106150
TC: CEN 11019011
DATE NOV 07 2011
11/03/2011 1:30 PDEPT. 34
CLERK
HEARING
DV: AGENCY
CHILD: STATUS
03/18/1984 AZD00730394 CDY BK:Y
C. JARRETT EAY062 M
PROBATION AND SENTENCING
SJ-04313-3844 -WELLMAN
I-SET -NBA TW ?

PEOPLE VS. MATTHEW AARON LLANEZA
A.K.A. 2839 LARGO DR
SAN JOSE, CA 95132

JUDGE HON. DAVID A. CENA
REPORTER S. UPTON
DEF. ATTY. BOWMAN, CAMERON (G)
CHARGES F(001)PC12280(A)(1)
D.A. KIANERCI
F(002)PC12020(A)(2)
APO M. KURZENKN
VIOLATION DATE 04/17/2011

FILE

NEXT APPEARANCE BLENDED SENTENCE

☒ Defendant Present ☐ Not Present ☒ Atty Present A/R AD / PD / IDO / Special App
☐ Arr'd ☐ Adv ☐ Arr Wav ☐ Amend Comp/Info ☐ Arr ☐ Plea ☐ IDC ☐ PTC ☐ Prob / Sent ☐ Interpreter ☐ Sworn
☐ PC977 ☐ Filed ☐ On File ☐ Reptr. Adv / Wav ☐ Bail/ OR/ SORP ☐ Rect Dr Rpt ☐ FAR/ ERC ☐ Bail Apply ☐ Balance Exonerated
☐ NG ☐ Entered by CRT ☐ NGBRI / Adv ☐ PSet ☐ Prelim ☐ Readiness ☐ S / B MTC ☐ Bail Exonerated ☐ Forfeited Bond #
☐ Denies Priors/ Allegations/ Enhancements/Refusal ☐ Further ☐ Jury ☐ CT ☐ Peo / Def Wav Jury ☐ Reassumption Filed ☐ Forfeiture Set Aside ☐ Bail Rein
☐ TW ☐ TNW ☐ TW / WD ☐ TW Sentence ☐ Ref'd ☐ $ Costs Within 30 Days to Court
☐ Ref / Appt PD / AD / IDO ☐ Conflict Decl ☐ APO / DADS/ Prop 36 ☐ P36 Re-Assm't SORP / OR ☐ Revoked ☐ Reinstated ☐ May Post & Forfeit
☐ Relieved Appt'd ☐ Crim Proc Susp ☐ Rein ☐ BW Ordered $ ☐ Stayed ☐ To Issue
☐ Hrg on Motion ☐ Doubt Decl Pursuant PC 1368 ☐ No Clte Release/SCIT ☐ No Request ☐ Cash Only
☐ Granted ☐ Denied ☐ Submitted ☐ Off Cal ☐ Subm on Report ☐ Found ☐ BW Set Aside ☐ Recalled ☐ Filed ☐ Remain Out
☐ Stip to Comm ☐ Drs. Appointed ☐ Max Term ☐ Committed ☐ Proof of
☐ Prelim Wav ☐ Certified to General Jurisdiction ☐ MDA / COM Amended to
☐ Amended to ☐ (M) VC12500(a) / VC23103(a) ☐ Pur VC23103.5 ☐ DA Stmt Filed

PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP
☐ Jail / Prison Term of ☐ Add to Cal ☐ Vacate pending date
☐ Dismissal / Striking ☐ Subm time of Sent ☐ Harvey Stip
☐ Adv ☐ Max Pen ☐ Parole/Prob ☐ Appeal ☐ Immig ☐ Reg PC290/HS11590/PC457.1/PC186.30 ☐ Future Serious Felony ☒ PC12021/~~PC12316(b)(1)/VC14607.8/PC666~~
☐ Wav Right to ☐ Counsel ☐ Court / Jury Trial ☐ Subpoena / Confront / Examine Witnesses ☐ Self-incrimination ☐ Written Waiver filed ☐ Plea / Absentia filed
☐ COP ☐ GUILTY ☐ NOLO CONTENDERE to charges & admits enhancements / allegations / priors ☐ PC17 ☐ Arbuckle ☐ Factual Basis found ☐ Findings stated
☐ Prop 36 Granted / Unamenable / Refused / Term ☐ DEJ Eligibility Filed ☐ DEJ Granted / Rein / Term Fee $ ☐ Guilty Plea Rendered
☐ Waives Referral ☐ Ref'd to APO Full Rpt
☐ Sent Suspended

FINES/FEES: PAY TO ☒ Ref to DOR ☐ TRAFFIC ☐ COURT ☐ TODAY Audit #
☒ **PROBATION DENIED**

COUNT $ + PA $ ☐ Purs HS11350d
COUNT $ + PA $ ☐ PC290.3
AIDS / CPP $ + PA $ SORP
DPF $ + PA $ EMAT $
LAB $ + PA $
DRF (RF) $ 2400 Add'l RF $ 2400 Susp'd PC1202.~~44~~/45
AEF $ Original Fine $
SECA $ 80 **CTS PC2900.5** $
ICMF $ 60 **TOTAL DUE** $
ICIN $ Payments Granted / Modified
AR $ $ / Mo beginning
SHELTER $ FINE STAYED
DV $ Committed @ $ /day ☐ May Pay Out
ATTY $ Consec/Conc to
ASF$25/CPF$10 $ Fine / Fees ☐ Deemed Satisfied ☐ Commuted
P/INVEST $ ☒ P/SUP $ 60 /Mo ☒ ~~Waived~~
CJAF $129.75/~~$259.50~~ $ ☐ Addt'l Fees Waived
☐ Restitution ☐ General $ to
☐ As determined by APO/Court ☐ Referred to VWAC ☐ Collect Civilly

PROBATION ☐ Execution ☐ Imposition of sentence suspended for probation period
☐ COURT ☐ FORMAL PROBATION GRANTED for Days / Mos / Yrs
☒ Report to APO within 2 Days ☐ Terminated ☒ Upon Release
☐ Perform Hrs Volunteer Work as directed PO / SAP ☐ in lieu of fine/Jail
☐ Not drive w/o valid DL & Ins ☐ Adv VC23600 ☐ HTO ☐ Re-refer
☐ MOP ☐ FOP ☐ 12 hrs ☐ 3 mos ☐ 9 mos Enroll within days
☐ DL Susp/ Restr'd/ Rvk'd for ☐ IID Not/Ordered/ Rmv'd Term Yrs
☐ No contact with victim or family / co-defts unless appr by APO ☐ PC1202.05
☐ DVPO issued / mod /term'd Exp ☐ Victim Present
☐ No Contact ☐ Peaceful Contact ☐ DSA thru APO / DOR / CRT ☐ Filed
☐ Not own/possess deadly weapons ☒ ~~Destroy/return~~ weapon PC12028
☐ Stay away from DISPOSE OF 12029
☒ Submit Search/Testing ☒ Educ/Voc Trng/Empl ☒ No alcohol / drugs or where sold
☒ Substance Abuse, Psych, ~~Theft, Anger Mgmt, DV, Parenting~~ cnsl / prgm
☒ PC296 (DNA) ☐ PC1202.1 HIV Test / Education
VOP: ☐ Wav ☐ Arr'd ☐ Admits/Denies Viol ☐ Court Finds VOP / No VOP
Prob Rein / Mod / Term'd / Revoked / Remains Revoked / Ext to
☐ Original Terms & Conditions Except as Amended herein
☐ Co-terminous with ☐ No Further Penalties / Reviews

Other: *IMPOSED OVER THE A OBJECTION AND SUBJECT TO FURTHER REVIEW BY THIS COURT.

JAIL/PRISON ☒ See Attachm't Pg for Add'l Orders, ~~Charges, PC1385 Reasons~~

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Styd / Strkn	County Jail HRS / DAYS / MOS
1	F	PC12280(a)(1)	(M) 6YRS			
2	F	PC12020(a)(2)	(M) 2YRS c/c			

Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total

CTS = 186 ACT + 186 ☒ PC4019 ☒ ½ ☐ ⅓ ☐ PC2933.1 = 372 TOTAL DAYS TOTAL TERM 6 YEARS
☒ Straight time ☐ In Camp ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec All / Except ☒ ~~EMP/PSP/ERP/DRP/Co Parole/NP~~ PC1170h
☒ Sent Deemed Served ☐ Rpt to Parole w/in ☒ Adv 5 (Yrs) ~~Parole/Appeal~~ Rights ☐ Consec ☐ Conc to
☒ Bal Cd Susp ~~All but~~ 5 ~~Yrs/Days/Mos~~ ☐ On Cond Complete Residential Treatment Prgm ☐ Serve Consec MO TU WE TH FR SA SU
☐ Pre-process AM/PM ☐ Stay / Surrender / Transport to @ AM/PM or Sooner

☐ REMANDED-BAIL $ ☐ REMAIN AS SET ☐ NO BAIL ☐ COMMITTED ☒ RELEASED ☐ OR ☐ SORP ☐ JAC PHONE ASSM'T ☐ P36
☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC DOC TO ARRANGE TRANSPORT UPON AVAIL BED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

ATTACHMENT PAGE

PEOPLE vs. ~~LAWRENCE FRANK, JR.~~ MATTHEW AARON LLANEZA

CASE # C1106150 [redacted]

DATE: 11-3-2011

Count	F/M	Violation	Prison Term /Yrs	Enhancements / Priors	Yrs/Styd/Strkn	County Jail

~~**Strike Prior(s) stricken pursuant to PC1385 based on the following reasons:**~~

1.	SIG SAUER P250 .357	SERIAL # EAK024939	DEFENDANT ORDERED TO INFORM APO OF THE DISPOSITION AND/OR WHEREABOUTS OF THESE WEAPONS
2.	TAURUS PT-22 .22	SERIAL # Y115350	
3.	CZ75 9mm	SERIAL # A508040	
4.	MAKAROV 9mm	SERIAL # K0382176	
5.	MAKAROV 9mm	SERIAL # BE252484	

ADDITIONAL PROBATION CONDITIONS: WITHIN 30 DAYS OF RELEASE FROM CUSTODY.

[ ] Participate in **San Jose Alternatives to Violence Men's Drop-In Group** until enrolled in Domestic Violence Program
[ ] Participate in **Alcohol/Child Abusers or other therapeutic program/counseling** as directed by APO/Court

[ ] Participate in [ ] Delete [ ]Reinstate **[ ] 1st Offender [ ] 3 mos [ ] 6 mos [ ] MOP** [ ] Report within _____days
[ ] **DL** suspended/revoked/restricted for _____days/mos/yrs to, from, during [ ] Work/Alc Prog/School/Appts_____ [ ] Pur VC_____
[ ] IID advised / ordered / removed. Term_____yrs. [ ] Vehicle impounded / not impounded [ ] Standard conditions Pursuant VC23600

[ ] Pay all **certified batterer's program** participation fees
[ ] Do not annoy, molest, strike, attack, threaten, harass, batter, sexually assault or disturb the peace of the victim
[ ] **No contact with victim or family / co-defendants unless approved by APO / Court**
[ ] **No contact by mail / pager / portable communication device**
[ ] Stay away from victim's residence and place of employment
[ ] Stay_____ feet / yards from victim
[ ] May have contact with victim under conditions approved by APO
[ ] Obey all Family Court orders
[ ] Shall not use corporal punishment in the disciplining of children

[ ] No illegal drugs / medications without a prescription
[ ] Take all medications as prescribed

[ ] **GANG ORDERS:** no insignia, tattoos, emblem, button, badge, cap, hat, scarf, bandanna, jacket, or other article of clothing which is evidence of affiliations with/or membership in a gang, no association with gang members, not frequent any areas of gang related activity. Shall not be adjacent to any school campus during school hours unless enrolled or with prior administrative permission. Shall not appear at any court proceeding unless a party, or defendant in a criminal action or subpoenaed as a witness. Register as required by law due to gang association.
[ ] Other: _____

DISTRIBUTION: BLACK-FILE COPY, GREEN-DOC, BLUE-CJIC, PURPLE-DOR/PROBATION, BROWN-DEFENDANT

5

IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
THE PEOPLE OF THE STATE OF CALIFORNIA,

FILED
NOV 03 2011
DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

PLAINTIFF,

vs.

MATTHEW AARON LLANEZA,

DEFENDANT,

REPORT OF
PROBATION OFFICER
No.: C1106150
November 3, 2011
A. Kianerci, D.A.
C. Bowman, Atty.

COURT DATA

SENTENCING COURT: Honorable David A. Cena

CHARGE: Count One, Section 12280(a)(1) of the Penal Code (Manufacture, Transportation Sale, or Possession of an Assault Weapon or .50 BMG Rifle)

4(6)8

Count Two, Section 12020(a)(2) of the Penal Code (Manufacturing, Importing, Keeping for Sale, Offering, Giving, Lending a Large Capacity Magazine-AK-47 type 30 Round Magazine)

16-2-3

PRIORS: None

PROBATION ELIGIBILITY: Eligible

C+1 - 6
C+2 - 2yrs cc
Blended
1yr CJ
Symbal m
Remand sup
1170(h)

DATE OF OFFENSE: On or about April 17, 2011

DATE OF ARREST: April 19, 2011

CONVICTION: Pled Nolo Contendere on October 11, 2011

CONDITIONS: Six years top/bottom-blended sentence; one year County Jail; 1170(h) PC

REMAINING CHARGES: None

DAYS IN CUSTODY: 186 actual days, 186 days - 4019 PC, 372 total days; released on Bail 4/20/11; arrested 5/4/11; presently in custody.

AGE & DATE OF BIRTH: 27; March 18, 1984; Arizona

CODEFENDANTS & STATUS: None

SUPPLEMENTAL INFORMATION:

The defendant qualifies for sentencing under Section 1170(h) PC.

Although the Court referral lists count two as a violation of Section 12020(a)(1) of the Penal Code, according to the defendant's attorney, C. Bowman, the defendant pled to a violation of Section 12020(a)(2) of the Penal Code.

SUMMARY OF OFFENSE:

On April 17, 2011, at approximately 9:30 p.m., San Jose Police Officers responded to a local emergency room to assist medical personnel with the defendant who was combative and possibly under the influence of a controlled substance. Upon their arrival, the officers were informed by the responding medical personnel that the defendant was acting strange when they attempted to treat him. He was also observed stuffing an object underneath his bed and shouted out several unintelligible phrases.

Officers subsequently made contact with the defendant. In their attempt to determine whether the defendant was a danger to himself or others, the defendant revealed he suffered from depression and post traumatic stress disorder. He stated his post traumatic stress disorder resulted from drug cartels attempting to recruit him into their gangs in Arizona. The defendant further stated he was an "Armorist" and had the ability to assemble firearms for people. He added he arrived in San Jose from Arizona approximately two weeks prior. He arrived in his RV and was staying at his father's residence. He denied having any weapons inside the RV. The defendant was placed on a mental health hold.

The following day officers made contact with Steve Llaneza, the defendant's father. Mr. Llaneza confirmed the defendant arrived from Arizona in his RV a few weeks prior. He stated the defendant had lived with him a few years prior at which time he became concerned with the defendant's behavior. Mr. Llaneza indicated the defendant had converted to Islam and was associating with Muslim friends.

On the evening the defendant was taken to the hospital Mr. Llaneza stated the defendant had consumed a large amount of alcohol. The defendant became argumentative and stated he needed help which resulted in Mr. Llaneza calling 9-1-1. Upon being notified by police that there was a concern the defendant possibly had weapons inside his RV, the defendant's father searched the RV and located an AK-47 and three fully loaded magazines for the firearm. The defendant's father turned over the contraband to the officers. An ATF records check revealed the defendant was a registered owner of an AK-47, two 9mm pistols and one .22 caliber pistol.

The defendant was re-contacted by police regarding the illegal firearm. He stated he purchased the firearm in Arizona to protect himself from people who were after him. He was unaware the weapon was illegal in California. He confirmed the firearm was registered and purchased legally in Arizona. During his conversation with police, the defendant also described prior incidents in which he attempted to kill himself.

DEFENDANT'S STATEMENT:

The defendant was interviewed at the Santa Clara County Main Jail. The defendant declined to discuss his involvement in the present offense, however, he did provide social data and discuss his substance abuse history.

In discussing his social history, the defendant was born and raised in Arizona. Approximately one month prior to his arrest in the present matter, the defendant drove to California from Arizona to stay with his father. He is single with no children and was last employed in May of 2010 as a window washer in Arizona. Currently the defendant is taking Zyprexa and Remeron for psychosis and bi-polar disorder.

As to his substance abuse history, the defendant began smoking marijuana at the age of thirteen and last used marijuana in April. He reported consuming alcohol approximately once a year.

Upon his release from custody, the defendant plans to return to his father's residence. He understands what will be required of him once he is placed on Formal Probation and he is willing to comply with the terms and conditions of Probation.

INTERESTED PARTIES:

Nan Meger of the Main Jail's mental health staff contacted this Officer by telephone and confirmed the information provided by the defendant regarding his diagnosis and medication.

JUDICIAL COUNCIL RULES : N/A

CASE EVALUATION:

Appearing before the Court for Sentencing is 27-year-old Matthew Aaron Llaneza, following a plea of Nolo Contendere to one count of Manufacture, Transportation Sale or Possession of an Assault Weapon or .50 BMG Rifle and one count of Manufacturing, Importing, Keeping for Sale, Offering, Giving, Lending a Large Capacity Magazine.

In the present matter, the defendant's father contacted police due to the defendant's behavior. Officers subsequently notified the defendant's father of the possibility of weapons being present in the defendant's RV. The defendant's father searched the RV and discovered an AK-47 in addition to three fully loaded magazines.

The defendant has no known criminal history in Santa Clara County or out of state.

Although the firearm discovered in the present offense was not used in any kind of threatening manner, the fact that the defendant had access to such a dangerous weapon while exhibiting unstable behavior is of great concern. Considering the defendant's previously failed suicide attempts and his belief that he was being hunted by Arizona drug cartels, it is fortunate the firearm and ammunition were discovered before the defendant could cause harm to either himself or anyone else. Hopefully the defendant recognizes the seriousness of his involvement in the present matter and takes advantage of the services available to him while being supervised to receive proper treatment for his mental health condition.

The following sentence is recommended in accordance with the negotiated plea. In view of the defendant's substance abuse history and his alcohol consumption at the time his father contacted police, it is suggested the full range of substance abuse conditions be included as part of the defendant's supervision upon his release.

RECOMMENDATION:

1. Probation is denied.

2. The defendant is committed to imprisonment in the County Jail for 6 years pursuant to Section 1170(h) of the Penal Code. This sentencing is considered a Prison Prior for any future pleadings. The defendant is granted credits.

3. After completion of a 1 year sentence, the defendant will be released on mandatory supervision monitored by the Probation Department for 5 years under the following terms and conditions:

4. The defendant is ordered to report to the Probation Department within two business days of release. If you are not released, you must report your whereabouts to the Probation Department within five days by any means of communication. If you are deported or removed, you will report to the Probation Department within five days of your return, and also as ordered later.

5. The defendant report to the Department of Revenue within 30 days for the completion of a payment plan for fines and fees.

6. The defendant shall submit to chemical tests as directed by the Probation Officer.

7. The defendant shall submit his/her person, place of residence, vehicle and any property under his/her control to search at any time without a warrant by any Peace Officer.

8. The defendant is not to possess or use illegal controlled substances or go anywhere he/she knows illegal drugs or non prescribed controlled substances are used or sold.

9. The defendant shall enter and complete a substance abuse treatment program as directed by the Probation Officer.

10. The defendant shall attend, actively participate in, and successfully complete a psychological treatment program as directed by the Probation Officer.

11. The defendant shall cooperate with psychological and/or psychiatric treatment.

12. The defendant take medication prescribed for psychosis, bi-polar disorder condition as directed by the mental health doctors.

13. The defendant shall seek and maintain gainful employment and maintain academic and/or vocational training as directed by the Probation Officer.

14. The defendant shall not own, knowingly possess, or have within his/her custody or control any firearm or ammunition for the rest of his/her life pursuant to Section 12021 and Section 12316(b)(1) of the Penal Code.

15. The defendant shall not possess any item that under the law would be considered a deadly or dangerous weapon(s), during the period of Probation.

16. The weapon(s) shall be disposed of pursuant to Section 12028-12029 of the Penal Code.

17. A Restitution Fine of $2,400.00 be imposed under the formula permitted by Penal Code Section 1202.4(b).

18. An additional Restitution Fine of an amount equal to that imposed under Penal Code Section 1202.4 be imposed and suspended pursuant to Section 1202.45 of the Penal Code.

19. The defendant be ordered to supply buccal swab samples, prints, blood specimens, and/or other biological samples pursuant to P.C. 296.

20. A Court Security Fee of $80.00 be imposed pursuant to Section 1465.8 of the Penal Code.

21. A Criminal Conviction Assessment of $60.00 be imposed pursuant to Section 70373 of the Government Code.

22. A $129.75 Criminal Justice Administration fee to the City of San Jose be imposed pursuant to Government Code 29550, 29550.1 and 29550.2.

23. A Probation Supervision Fee ~~not to exceed $110.00~~ 60.00 per month be imposed pursuant to Section 1203.1b of the Penal Code.

NOTE: Attorney fees if appropriate.

Respectfully submitted,

Sheila E. Mitchell
Chief Probation Officer

Delinah Valerio
Deputy Probation Officer
(408)435-2167

DV/dv
Attachments

Reviewed by:

Melissa Rios for DG
Debora Granja
Acting Supervising Probation Officer
(408)435-2057

The above report has been read and considered by the Court.

DAVID A. CENA
Judge of the Superior Court
Santa Clara County, California

SOCIAL DATA

NAME: Matthew Llaneza DATE: 11/3/11 DOCKET #: C1106150C1106150

AGE: 27 DOB: 3/18/1984 PLACE: Arizona INS #:

ADDRESS: 2893 North Largo Drive San Jose, Ca.
PHONE #: HOME: (408) 272-8236 WORK: none

LENGTH OF RESIDENCE IN COUNTY: 6 mo. STATE: 6 mo. USA: Life

COHABITANTS: Father/stepmother (Alice Llaneza)

EMERGENCY CONTACT: Steve Llaneza (fa.) HOME: (408) 272-8236
ADDRESS: same as defendant WORK: ( )

	NAME	CITY & STATE	TELEPHONE #
FATHER:	Steve Llaneza	San Jose, Ca.	same
MOTHER:	Dora Tune	Arizona	

MARITAL STATUS: single SPOUSE: n/a

NUMBER OF CHILDREN: 0 AGE(S): n/a
LIVES WITH: n/a

EMPLOYMENT HISTORY:
CURRENT/LAST EMPLOYER: Pro Sweep DATES: May 2010
CITY & STATE: Arizona SALARY: $150/wk.
REASON FOR LEAVING: laid off OCCUPATION: window washer

LONGEST EMPLOYER: DATES:
CITY & STATE: SALARY: $
REASON FOR LEAVING: OCCUPATION:

EDUCATION: graduated 12th grade SPECIAL ED:

TRAINING PROGRAMS:

PROGRAM:	DATES:	COMPLETED:
Fork Lift operator	2005	

HEALTH PROBLEMS/HANDICAPS: Psychosis, bi-polar disorder

PRESENT TREATMENT PROGRAM: Zyprexa, Remeron

PREVIOUS TREATMENT PROGRAMS: none

NAME & ADDRESS:	DATES:	COMPLETED:

PRIOR CONVICTIONS: FELONY: 0 MISDEMEANOR: 0
JUVENILE: n/a

NOTE: Unless indicated (v), information on this form has **not** been verified.

JPQH V56 QUERY SINGLE CEN HISTORY 10/13/2011 13:33 PAGE: 1
SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
PFN: EAY062 LNAM: LLANEZA FNAM: MATTHEW MNAM: AARON GEN:
CASE#/PURPOSE: C1106150/PSI/VALERIO D

HAS COMPLIED WITH PC296 ON 04/19/2011

PERSON DATA

ALIASES:	SOLAMIN	TARIQ		
	LLANEZA	MATTHEW	AARON	
	LLANEZA	MATTHEW	AARON	0 MORE ALIASES

ID: 04/19/2011 PHOTO: 05/04/2011 DECEASED:
ID NOTE:

SEX	RACE/TRANSL	DOB	POB	HGHT	WGHT	HAIR	EYES
M	O ALL OTHERS	03/18/1984	AZ	507	140	BLACK	BROWN

CII: A31984809 FBI#: DANO: SUPO:
SSN: 600-82-9733 0 MORE SSNS DLN: CAD0730394 1 MORE DLNS
CDC: NONE
S N A G
REG: SEXP: NEXP: AEXP: GEXP:
TREATMENT CT:

****

ORIGINATING CENS

****

ORIG CEN	ARST DATE	BOOK DATE	BOOK TYPE	RELEASE	STATUS
11019011	04/19/2011	04/19/2011	ONVIEW	04/20/2011 01:34	BB

STAY DT/CD: VER IND: VERIF
AAG ARR OFFCR OFCN DASN
SAN JOSE PD 3221 - HISQUIERDO 111071000
IN PROCESS

CRT-DOCKET: SJ 43470-C1106150 FILED: 05/02/2011 DA CASE #: 110510089
CHILD: DV:

BOOK DATE	BOOK TYPE	RELEASE	STATUS
05/04/2011	REMAND WITH BAIL SET		HELD

* REMAND WITH BAIL SET * 43470-C1106150 CEN: 11019011
BOOKING CEN: 11021518 STAY DT/CD: VER IND: VERIF
AAG ARR OFFCR OFCN DASN
SHERIFFS OFFICE - GALAN

CRT-DOCKET: SU 43100-C1106150 FILED: 05/26/2011 DA CASE #: 110510089
CHILD: DV:

****

ORIG CEN	ARST DATE	BOOK DATE	BOOK TYPE	RELEASE	STATUS
11510375	04/17/2011	04/22/2011	CRIMINAL CITATION		

STAY DT/CD: VER IND: NONE
AAG ARR OFFCR OFCN DASN
SAN JOSE PD 4037 - BAZA 111071000
IN PROCESS

****

CONTROLLED DOCUMENT
Released by SCCADOJ
DA: Date 10/24/11 By:
ATT: Date By:
Other: Date By:

THIS INFORMATION IS CONFIDENTIAL AND FOR OFFICIAL USE ONLY
DO NOT DUPLICATE

*** END OF LIST ***

no addl'l info on CII

POLICE REPORT

SAN JOSE POLICE DEPARTMENT
201 W. Mission Street
San Jose, CA 95110 (408) 277-4261

☐ INJURY ☐ BOOKING ☑ CITE & RELEASE

CASE NO. 11-108-1000

ROUTING N#	OSSD INDEX / CLETS CHECK N#	UCR CODE	BEAT #	TYPE OF FORCE:
11060N			S-1	☐ HANDS/FEET ☐ KNIFE/CUTTING INST. ☐ FIREARM ☐ OTHER

REPORT TYPE: 5150 W&I 72 HOUR HOLD
11550 H&S UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE

	OCCURRED	DATE	TIME	DAY
	ON OR FROM	4-17-11	2134	SUN
	TO	↓	↓	↓
	REPORTED	↓	↓	↓

LOCATION OF EVENT - PREMISES TYPE: 2934 LARGO DR

OSSD
NDR 3 CMU ATTNY CORONER FIRE JPD PROPERTY GUN FLDR
CASE MGT
ASSAULT ATTORNEY DOM. VIO. BURGLARY FIRE FRAUD HOMICIDE INTELL JUVENILE CA MP NCI RECORDS ROBBERY SAIU SBNE TIU VCU VICE BOMB SQD CLG CLT GC NC NF NM

"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

V

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	☐ STATE OF CA	RACE	M F	DOB	AGE	HT	WT
ON-VIEW							

INTERPRETER NEEDED: ☐ SPANISH ☐ VIETNAMESE ☐ OTHER:

VICTIM ADVISED: ☐ SEXUAL ASSAULT ☐ VIC/WIT ASSIST. ☐ DOMESTIC VIOLENCE

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE

BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION: ☐ NON DISCLOSURE (WHERE APPLICABLE) ☐ INJURY ☐ SART ☐ BLOOD ☐ URINE ☐ PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	☐ STATE OF CA	RACE	M F	DOB	AGE	HT	WT

INTERPRETER NEEDED: ☐ SPANISH ☐ VIETNAMESE ☐ OTHER:

VICTIM ADVISED: ☐ SEXUAL ASSAULT ☐ VIC/WIT ASSIST. ☐ DOMESTIC VIOLENCE

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE

BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION: ☐ NON DISCLOSURE (WHERE APPLICABLE) ☐ INJURY ☐ SART ☐ BLOOD ☐ URINE ☐ PHOTOGRAPH

VICTIM VEHICLE VICTIM #	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE

R/O'S NAME (LAST, FIRST, MIDDLE) ☐ SAME AS VICTIM #	ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE

VICTIM VEHICLE WAS: ☐ STOLEN ☐ IMPOUNDED ☐ STORED ☐ LEFT AT SCENE ☐ RELEASED AT SCENE ☐ HELD F/PRINTS ☐ PRINTED

PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT

☐ JCR ☐ DOMESTIC VIOLENCE ☐ HATE ☐ ELDER ☐ CHILD ☐ 148/243

ITEM#	QTY	BRAND	MODEL	DESCRIPTION OF PROPERTY	SERIAL NO.	VALUE
				COURT COPY		
				~~DA COPY~~		

☐ GANG

GUN	ITEM	QTY	MAKE OR MFG.	MODEL	CALIBER/GAUGE	TYPE	ACTION	SERIAL NO.	VALUE

☐ PHOTOS SCENE

☐ STOLEN BICYCLE	BOYS MTN GIRLS ROAD	MODEL	BRAND	COLOR	LICENSE #	FRAME #	SPEED	VALUE

☐ LATENT PRINTS

The VICTIM/REPORTING PARTY contacted the police department to report the THEFT/LOSS/DAMAGE of the listed property. This occurred AT/NEAR/FROM the victim's VEHICLE/RESIDENCE/BUSINESS/SCHOOL. ☐ This report is made primarily for insurance purposes.

☐ DRUG FIELD TEST ☐ PROPERTY ☐ EVIDENCE ☐ DIAGRAM

VICTIM WAS (Check all that apply)
☐ AT HOME ☐ AT WORK ☐ AT ATM ☐ AT SCHOOL ☐ DRIVING ☐ SLEEPING ☐ UNDER INF. ☐ 5150 W&I ☐ HANDICAPPED ☐ WALKING/JOGGING/HITCHHIKING ☐ WEDDING/FUNERAL ☐ VACATION/HOSPITAL/JAIL ☐ UNKNOWN ☐ OTHER

POINT OF ENTRY
☐ DOOR ☐ WINDOW ☐ GARAGE ☐ ADJ PREMISES ☐ VENT/SKYLIGHT ☐ UNKNOWN ☐ OTHER

LOCATION
☐ FRONT ☐ REAR ☐ SIDE ☐ ROOF ☐ UNKNOWN ☐ OTHER

METHOD OF ENTRY
☐ OPEN/UNLOCKED ☐ FORCED SCREEN ☐ CUTTING DEVICE ☐ BODY FORCE ☐ PRY TOOL ☐ CHANNEL LOCKS ☐ BREAK GLASS ☐ REMOVE DOOR/WIN ☐ KEY ☐ UNKNOWN

VANDALISM
☐ KEYED ☐ BREAK WINDOW ☐ SHOOT WINDOW ☐ GRAFFITI ☐ SLASHED TIRES ☐ MAILBOX ☐ OTHER

ASSOCIATED CASE NUMBERS:

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	PG 1 OF ___
BAZA/MULLER	4023/4023	4-17-11	2/MTW		3161	4-18-11	

200-2 5/96

01

REPORT TYPE ☐ SUPPLEMENTAL

11550 H:S 51500 I

SJPD SUSPECT PAGE

CASE NO. 11-107-1000

☐ BOOKED ☑ CITED ☐ 849(b) PC ☐ COMPLAINT REVIEW ☐ INFO ONLY ☐ AT LARGE ☒ VMC ☐ SEE JCR

S#	LAST, FIRST, MIDDLE	RACE	M F	DOB	AGE	HT	WT	HAIR	EYES
	LLANEZA, MATTHEW AARON	H	M	3-18-84		5-7	140	BK	BRO

AKA / MONIKER	RELATIONSHIP TO VICTIM	INTERPRETER NEEDED:
TARQ KAHN	—	☐ SPANISH ☐ VIETNAMESE ☐ OTHER:

ADDRESS	CITY/STATE	ZIP	PHONE	PFN
2583 LARGO DR	SAN JOSE	95132	460-570-4118	EA4062

BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	PHOTO ID#

DL NUMBER / STATE		SSN	CITE #	CEN
D0073039 4	AZ	600-82-9733	J32643 42	

CLOTHING: BLACK PANTS, BLACK THERMAL LONG SLEEVE, YELLOW/BLUE POLO SHIRT

UNIQUE IDENTIFIERS (CII#)

HAIR STYLE	HAIR TYPE	FACIAL HAIR	BUILD	COMPLEXION	WEAPONS
☐ AFRO	☐ RECEDING	☐ BEARD	☐ HEAVY	☐ ACNE/POCKED	☐ CUTTING INST.
☐ BALD/SHAVED	☐ STRAIGHT	☐ CLEAN SHAVEN	☐ MEDIUM	☐ DARK	☐ HAND/FEET
☐ BRAIDED	☐ WAVY/CURLY	☐ FU MANCHU	☐ MUSCULAR	☐ FRECKLED	☐ REVOLVER
☐ COLLAR		☐ GOATEE	☐ POT BELLY	☐ LIGHT	☐ RIFLE
☐ CREW CUT		☐ LOWER LIP	☐ SMALL	☐ MEDIUM	☐ SEMI AUTO
☐ LONG	SPEECH	☐ MUSTACHE	☐ THIN		☐ SHOTGUN
☐ PONY TAIL	☐ ACCENT	☐ SIDE BURNS			☐ SIMULATED
☐ PUNK	☐ LISP	☐ UNSHAVEN		APPEARANCE	☐ UNKNOWN
☐ SHORT	☐ STUTTER		TEETH	☐ BODY ODOR	☐ OTHER:
		CLOTHING	☐ GOLD	☐ DISGUISE	
GLASSES	HANDED	☐ CAP/HAT	☐ MISSING	☐ UNKEMPT/DIRTY	
☐ GLASSES	☐ LEFT	☐ GLOVES	☐ ROTTEN	☐ WELL GROOMED	
☐ SUNGLASSES	☐ RIGHT	☐ MASK	☐ SILVER	☐ ADD'L, SEE NARRATIVE	

SCARS, MARKS, TATTOOS, ETC.
CODE: T LOC: LT SHOULDER
DESC: UNKNOWN DESIGN
☐ ADD'L, SEE NARRATIVE
CODE: S = SCARS M = MARKS P = PIERCING T = TATTOOS MB = MISSING BODY PTS.

UNDER THE INFLUENCE
☒ ALCOHOL ☒ STIMULANT ☐ PCP ☐ OPIATE ☐ OTHER:

☐ BOOKED ☐ CITED ☐ 849(b) PC ☐ COMPLAINT REVIEW ☐ INFO ONLY ☐ AT LARGE ☐ VMC ☐ SEE JCR

S#	LAST, FIRST, MIDDLE	RACE	M F	DOB	AGE	HT	WT	HAIR	EYES

AKA / MONIKER	RELATIONSHIP TO VICTIM	INTERPRETER NEEDED:
		☐ SPANISH ☐ VIETNAMESE ☐ OTHER:

ADDRESS	CITY/STATE	ZIP	PHONE	PFN

BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	PHOTO ID#

DL NUMBER / STATE		SSN	CITE #	CEN

CLOTHING

UNIQUE IDENTIFIERS (CII#)

HAIR STYLE	HAIR TYPE	FACIAL HAIR	BUILD	COMPLEXION	WEAPONS
☐ AFRO	☐ RECEDING	☐ BEARD	☐ HEAVY	☐ ACNE/POCKED	☐ CUTTING INST.
☐ BALD/SHAVED	☐ STRAIGHT	☐ CLEAN SHAVEN	☐ MEDIUM	☐ DARK	☐ HAND/FEET
☐ BRAIDED	☐ WAVY/CURLY	☐ FU MANCHU	☐ MUSCULAR	☐ FRECKLED	☐ REVOLVER
☐ COLLAR		☐ GOATEE	☐ POT BELLY	☐ LIGHT	☐ RIFLE
☐ CREW CUT		☐ LOWER LIP	☐ SMALL	☐ MEDIUM	☐ SEMI AUTO
☐ LONG	SPEECH	☐ MUSTACHE	☐ THIN		☐ SHOTGUN
☐ PONY TAIL	☐ ACCENT	☐ SIDE BURNS			☐ SIMULATED
☐ PUNK	☐ LISP	☐ UNSHAVEN		APPEARANCE	☐ UNKNOWN
☐ SHORT	☐ STUTTER		TEETH	☐ BODY ODOR	☐ OTHER:
		CLOTHING	☐ GOLD	☐ DISGUISE	
GLASSES	HANDED	☐ CAP/HAT	☐ MISSING	☐ UNKEMPT/DIRTY	
☐ GLASSES	☐ LEFT	☐ GLOVES	☐ ROTTEN	☐ WELL GROOMED	
☐ SUNGLASSES	☐ RIGHT	☐ MASK	☐ SILVER	☐ ADD'L, SEE NARRATIVE	

SCARS, MARKS, TATTOOS, ETC.
CODE: _____ LOC: _____
DESC: _____
☐ ADD'L, SEE NARRATIVE
CODE: S = SCARS M = MARKS P = PIERCING T = TATTOOS MB = MISSING BODY PTS.

UNDER THE INFLUENCE
☐ ALCOHOL ☐ STIMULANT ☐ PCP ☐ OPIATE ☐ OTHER:

SUSPECT VEHICLE / SUSPECT #	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE

ADDITIONAL IDENTIFIERS: ☐ LOWERED ☐ RAISED ☐ SPECIAL PAINT ☐ SPECIAL WHEELS ☐ SUN ROOF/T-TOP

R/O'S NAME (LAST, FIRST, MIDDLE) ☐ SAME AS VICTIM # _____	ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE

SUSPECT VEHICLE WAS: ☐ STOLEN ☐ IMPOUNDED ☐ STORED ☐ LEFT AT SCENE ☐ RELEASED AT SCENE ☐ HELD F/PRINTS ☐ PRINTED

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	
BAZA	4037	4-17-11	2/MTW		3161	4-18-11	PG 2 OF ___

200-2B 5/96

02

SJPD POLICE REPORT	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. 11-107-1000	
REPORT TYPE ☐ NARRATIVE ☐ SUPPLEMENTAL 11550 H&S, 5150 W&I		VICTIM LAST, First, Mid. State of California	
SUSPECT LAST, First, Mid. Llaneza, Matthew Aaron		SUSPECT ADDRESS 2839 Largo Dr	CITY/ZIP San Jose/ 95132
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.		SERIAL # VALUE

Synopsis:

On 4-17-11 at approximately 2138 hours an under the influence of a controlled substance occurred at 751 Bascom Ave- Valley Medical Center. The (S) displayed several objective symptoms of being under the influence of a controlled substance. The (S) provided a blood sample which was booked into the AIB blood locker. The (S) also was placed on a 72 hour psychological hold per 5150 W&I. The (S) was cited and released to medical personnel at VMC.

Narrative:

On 4-17-11 at approximately 2138 hours I responded to a report of a fire department aid at 751 Bascom Ave- Valley Medical Center emergency room. I was working a two Officer Patrol unit with Officer Muller #4025. Prior to my arrival at the emergency room dispatch informed me of the details of the call. Engine 19 was requesting assistance at 2839 Largo Dr in San Jose for a medical patient. They received information that a subject was at the residence and possibly had a seizure. Engine 19 requested assistance regarding the subject being combative and possibly under the influence of drugs. Engine 19 had us respond to VMC because he was transported to the hospital prior to our arrival on Largo Dr.

When I arrived on scene I spoke to Fire Engineer Meeks #330. He informed me Llaneza was inside the Emergency room and was being treated by medical personnel. Fire Truck T29C transported Llaneza to VMC from his residence on Largo Dr. Fire Engineer Meeks #330 said Llaneza was acting strange when they attempted to treat him. Firefighters found him inside the residence and when they attempted to contact him he was stuffing something under a bed. He was not able to see what he placed under the bed and did not look after he had been removed from the room. As they treated Llaneza he shouted out several phrases which were mostly unintelligible. As they were in the bedroom Llaneza shouted "Allah Akbar." Llaneza was also physically combative with Firefighters and medical personnel so they placed him in four point restraints. For further information see Fire event number #11-107-9307or AMR case number #11-107-279. I obtained Llaneza's Arizona driver's license from a Firefighter at VMC.

After speaking to Firefighters outside the Emergency Room I walked inside and found Llaneza on a gurney in the hallway. He was continuously moving around and shouting for the nurse. He could not focus on one task or answer a series of questions without being distracted. I spoke to Llaneza and informed him that he was not under arrest but we needed to ask him a few questions so he could receive the proper care. I asked him if he suffered from any medical conditions or disorders. He said he took a medication which he referred to as "Kush" (later found to be medical marijuana). I asked him why he medicated himself with marijuana. He said he suffers from depression and post traumatic stress. The Post Traumatic stress stemmed from people trying to recruit him into gangs in Arizona. The gangs were drug cartels and he was afraid that they would harm him if he did not join them. He said, "Someday you are going to find me dead in the desert." During my conversation to assess Llaneza for 5150 W&I he indicated he worked as an Armorist. He said he assembles firearms for people. I asked him if he had any guns at his home. He said, "No." He said he had only been living with his father for two weeks and he arrived in his RV. His RV was parked in front of his father's residence. Llaneza said he did not have any weapons inside his RV.

OFFICER'S NAME/BADGE	DAYS OFF/SHIFT	SUPERVISOR
Baza #4037	MTW/1	#3161

SJPD POLICE REPORT	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. 11-107-1000	
REPORT TYPE ☐ NARRATIVE ☐ SUPPLEMENTAL **11550 H&S, 5150 W&I**		VICTIM LAST, First, Mid. State of California	
SUSPECT LAST, First, Mid. Llaneza, Matthew Aaron		SUSPECT ADDRESS 2839 Largo Dr	CITY/ZIP San Jose/ 95132

ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE

Llaneza said he had been feeling depressed. He said he drank a lot of Vodka and Wine with the intention of killing himself. Llaneza was reluctant to tell me his mental conditions and disorders because he was only good at a few things. He said he was good at assembling guns and going after people like law enforcement. He said he did not want to say anything because he wanted to be in the military or in law enforcement. Llaneza also banged his head against the hallway wall three times. He also placed his neck on the gurneys side rail. He attempted to press down on his neck causing him to make a choking sound and almost pass out. He did this several times because each time he was removed from the rail by medical staff. They had to restrain him with a bed sheet under both armpits so he could not injure himself or move around too much. Based on my conversation and observations of Llaneza I believed he was a danger to himself and worthy of a 72 hour hold.

Llaneza also displayed several objective symptoms of being under the influence of controlled substances. See Officer Muller #4025 supplemental report for details. Blood tech Donna Mahmud responded to VMC. She obtained a blood sample from Llaneza. Blood Tech Mahmud booked the blood sample into the AIB blood locker.

After it was determined the (S) was under the influence of a controlled substance I obtained a recorded statement. I read the (S) his Miranda rights from my department issued Miranda card. He indicated he understood each of his rights and began to speak.

Statement of Llaneza:

I first asked Llaneza what his name was. He said his name was Tarq (pronounced Tarik) Kahn. He was able to spell his name but he could not tell me what it meant. Llaneza said he recently moved to San Jose because he did not like living in Arizona. He said there were too many gangs and cartels. He said they cartels work as "cells" and you cannot find them.

Llaneza was being treated by medical personnel at the time of my interview. Llaneza was also distracted throughout the interview because he had to go to the bathroom and he felt he did not need to be restrained. Following each question he would ask me if I could find the nurse in charge of his restraints.

Llaneza said he had many skills including "Armorist" and carpentry. He said he could build several things including houses. He specifically indicated he could build what I had on my belt. I asked him what he meant by that. He said he could build a glock. He said with the right equipment and parts he could build many guns. Llaneza said he learned to put together weapons by reading magazines.

Llaneza said he was not under the influence of any controlled substance. He said he drank Vodka and Wine and also consumed marijuana. Llaneza claimed he had a medical marijuana card issued from Arizona and California. He said the last time he used heroin and meth was three years ago. The last time he used cocaine was five years ago. Llaneza said his blood sample would show he did not consume anything but Alcohol and marijuana. For further information see recorded statement uploaded to DCS.

OFFICER'S NAME/BADGE	DAYS OFF/SHIFT	SUPERVISOR
Baza #4037	**MTW/1**	#3761

SJPD POLICE REPORT

SAN JOSE POLICE DEPARTMENT
201 W. Mission Street
San Jose, CA 95110 277-4261

CASE NO.
11-107-1000

REPORT TYPE ☐ NARRATIVE ☐ SUPPLEMENTAL
11550 H&S, 5150 W&I

VICTIM LAST, First, Mid.
State of California

SUSPECT LAST, First, Mid.
Llaneza, Matthew Aaron

SUSPECT ADDRESS
2839 Largo Dr

CITY/ZIP
San Jose/ 95132

PROPERTY (and/or NARRATIVE)

ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE

I issued Llaneza a criminal citation for 11550 H&S (J3264342). I released him to the medical staff inside the Emergency room with the 72 hour hold per 5150 W&I. I left his license and his copy of the citation with Llaneza.

OFFICER'S NAME/BADGE
Baza #4037

DAYS OFF/SHIFT
MTW/1

SUPERVISOR
#3161

SJPD POLICE REPORT	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. 11-107-1000	
REPORT TYPE ☐ NARRATIVE ☒ SUPPLEMENTAL		VICTIM LAST, First, Mid.	
11550 HS, 5150 W&I		State of California	
SUSPECT LAST, First, Mid.		SUSPECT ADDRESS	CITY/ZIP
Llaneza, Matthew Aaron		2839 Largo Drive	SJ/95132

PROPERTY (and/or NARRATIVE)

ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE

Narrative:

On 04-17-11, at approximately 2138 hours, I was operating as a two man unit with Officer Baza #4037. We were in a marked patrol vehicle in full uniform. We were dispatched to a fire department aid call to assist SJFD with a combative subject whom they believed had ingested drugs. We responded to Valley Medical Center where SJFD had transported the subject. I went inside the hospital emergency room area and there was an adult male, identified as suspect Llaneza on a gurney in full restraints. Llaneza was struggling against the restraints and thrashing around on the gurney. Medical staff was attempting to assess his condition and Llaneza was screaming that he was in pain but that he did not want them to help him.

I approached and asked Llaneza to relax and to try and let the staff help him. Medical staff asked me if the Llaneza was in custody or was on a hold and I told them that I had not yet evaluated Llaneza. Llaneza had red, glossy eyes, was sweating and had dry chapped lips. I asked Llaneza to close his eyes and he had fluttering eyelids and wasn't able to keep his eyes closed for more than a second before opening them. He had continuous movement and was unable to lay still on the gurney. I asked Llaneza if he had any medical conditions that required medication and he said no. I asked him if he had taken any drugs at all and he said that he had taken medical cannabis and that he had drank almost a bottle of vodka because he wanted to kill himself. Llaneza's skin was warm to the touch and he had a pulse rate of approximately 104 B.P.M. Based on my training and experience the above listed symptoms are consistent with the objective symptoms of someone under the influence of a controlled substance-stimulant.

I informed Officer Baza that Llaneza appeared to be under the influence of a controlled substance and Officer Baza requested that a blood tech respond to VMC to collect a sample of Llaneza's blood to be analyzed for drug content.

At approximately 2218 hours I informed medical staff that Llaneza was going to be issued a criminal citation and was going to be placed on a 72-hour hold. I completed the application for a 72-hour detention for evaluation and treatment.

Additional Information:

See Form 2 by Officer Baza for further details.

-end of report-

OFFICER'S NAME/BADGE	DAYS OFF/SHIFT	SUPERVISOR
T. Muller/4025	**M-W/1**	4-3-11

11-107-1000

County of Santa Clara
Crime laboratory
Office of the District Attorney
250 West Hedding Street
San Jose, California 95110
(408) 808-5900

Physiological Specimen Request
(Press hard and print clearly)

Subject's Name	LLANEZA, MATTHEW		
Requested By	BAZA / MULLER	Badge #	4037 / 4025
Agency	SJPD	Agency Case #	11-107-1000
Technologist Taking Sample	P. MATHER		
Charges	11550 H&S	Location	VMC

You are requested to obtain a specimen of blood, urine or breath from the above named subject for the purpose of scientific analysis.

ABZ #4037
(Officer's Signature)

Type of Specimen
Blood [X]
Urine [ ]
Breath [ ]
Typing tube [ ]

Date of Sample 4/17/11 Time of Sample 2255

Technologist's Case # A4-7-11 C

Observations

Eyes _____ Speech _____

Odors _____ Attitude coop

Coordination and Balance _____

General Comments _____

6857 REV 10/08

Technologist's Signature: _____

Distribution: White - Police Agency Yellow - Technologist Pink - Crime Lab

Declaration of Person Qualified to Perform Venipuncture

I am qualified pursuant to the California Business and Professional Code section 1246, Title 17 of the California Code of Regulations, and / or the California Vehicle Code section 23158 to perform venipuncture and was so qualified when I worked as a (check all that apply):

_____ Clinical Laboratory Scientist
_____ Licensed Clinical Laboratory Technologist
_____ Registered Nurse
__X__ Licensed Vocational Nurse
_____ Certified Phlebotomy Technician
_____ Unlicensed laboratory personnel regulated pursuant to Sect. 1242, 1242.5, & 1246 of Business and Professional Code

On 4/17/11 when I took blood from a person identified to me as:

LLANOS, MATTHEW

I performed the blood draw using the following procedures:

I cleansed the area to be punctured with the non-alcoholic disinfectant and the Arresting Officer witnessed my use of the non-alcoholic disinfectant with the above named defendant.

A sterilized needle, holder and needle protector was employed to withdraw blood from the defendants vein. I will withdraw enough blood to fill the vacuum vial furnished by the Santa Clara Crime Laboratory. Prior to using it, I examined the vacuum vial and observed that it contained a dry white powder.

I discarded the needle, holder and disinfectant and inverted the vial 8 to 10 times to prevent the blood from clotting.

I labeled the vials of blood with the full name of the defendant, the date and time of withdrawal and placed my initials on the vial.

I gave the vial to the Officer who accompanied the defendant, and I observed the officer place the vials in the envelope furnished by the Santa Clara Crime Laboratory and seal it.

The sample(s) were taken and handled in a medically approved manner.

I, **Donna Mahmud**, declare under penalty of perjury that under the laws of the State of California the foregoing is true and correct.

Dated: 4/17/11 at SJ, California

Signature of Declarant: DM

Original: Attach to Admin Per Se Documents & return to DMV-Driver Safety Office

Law Enforcement Case # 11H07000

Drivers License # _____ (optional)

SJPD REPORT	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. 11-107-1000	
REPORT TYPE ☐ NARRATIVE ☒ SUPPLEMENTAL		VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.		SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.		SERIAL # VALUE

On 4-18-2011, at approximately 1600 hours, Officer Anderson #3177 and I contacted Steve Llaneza, (father of Matthew Llaneza), at 2893 Largo Drive to follow up regarding a metal health hold that San Jose Police Department placed on his son the night before. He advised us that he was deeply concerned about his son's well-being. Steve LLaneza provided us with the following statements:

Statements of LLaneza:

Llaneza stated that his son (Matthew Llaneza) had consumed a large amount of alcohol on the night he was taken to the hospital. The fire department had taken his son to the hospital to get evaluated. He knows that his son has some issues but he didn't think that he had ever sought help. Matthew lived with his mother and his Grandfather for most of his life in Arizona. LLaneza stated that he would keep in touch with the Grandfather about Matthew.

Apparently Matthew has a knack for looking for excitement. He was beat up in Arizona possibly because he was trying to observe a fight. He thinks that the "secret police" or government is trying to follow him. He believed at times that gang members were also trying to kill him. Llaneza stated that Matthew did live with him a few years back and that at that time he was a little suspicious about Matthew's activities.

Matthew had converted to Islam and was now hanging around Muslim friends. Matthew would begin to argue about his lineage and stated that he could trace his ancestry to the Middle East. Matthew was not going to school as planned and eventually he went back to Arizona with his Grandfather. Llaneza knew that Matthew had served in the Marine Corps and apparently was kicked out. Llaneza was not sure why he was released from the military.

About three weeks ago Matthew arrived in San Jose to live with him. Llaneza made it clear to Matthew that he was not allowed in the house unless he was there. Matthew was allowed to shower and use the bathroom. Llaneza had remarried and now had three children under 10 years of age. He made it clear to Matthew that he could not say things or argue things in front of the children because they were young and impressionable. For the most part Matthew followed the rules until the evening that he became intoxicated. Matthew is small framed so it probably didn't take much to get him intoxicated. On that evening Matthew became argumentative and stated that he needed help. Llaneza had to pick him up and carry him up on occasion.

Llaneza knew that Matthew had a cannabis card which allowed him to purchase marijuana for some medical condition. It was important for Matthew to get help and he was stressed about the situation because he was concerned for his new family. It was important for his son to get help and do the right thing. Llaneza didn't think Matthew was a violent person but just unpredictable with his thought.

Llaneza said that Matthew had been around guns his whole life and was very good at working on weapons. He also believed that Matthew had an electronics background as well. He stated that he

didn't want Matthew to be released from the hospital until he gets the help he needed. He wanted Matthew to get full treatment and to deal with his issues. He said on the evening he was taken to the hospital he had tried to hide his wallet under the bedroom mattress. Llaneza didn't know where the keys were to his RV parked outside along the curb. Matthew did have an alarm on the RV. Llaneza spoke with Matthew over the phone. Matthew wanted to know how long he was going to be held at the hospital.

On 4-19-2011 at approximately 1130 hours I made contact with Steve Llaneza at 2893 Largo Dr. in San Jose. I advised Steve Llaneza that we had concerns about weapons that may be inside the Matthew's RV Arizona license plate #AMN7912 AZ. Steve Llaneza then advised me that he had located the keys to the RV on 4-18-2011 after our conversation and that he had went into the RV to look around. Steve Llaneza then located the following physical evidence which he voluntarily turned over to Officer Anderson 33177 who subsequently booked it into evidence:

Physical Evidence:

AK-47 Romanian WASR 10/63 Variant- Wood Stock/ Plastic hand guards, 37inch OL 19inch Barrel length serial number# 1969C11007.

One green canvass H-harness with banana clip pouches on the front.

Three banana clip 30 round magazines fully loaded with .762mm bullets.

Steve Llaneza then turned of the alarm to the RV and opened the side door to the RV. Steve Llaneza then explained that he got the AK-47 from the safe which was bolted to the ground inside the RV.

For officer safety purposes we utilized a K-9 to sweep the perimeter and the inside of the vehicle for any type of explosives (due Matthew Llaneza's statements to patrol officers that he was an armourer and worked on weapons. This possibly could encompass persons who reload ammunition and use high amounts of black powder or chemicals for cleaning or ammunition reloads).

Steve Llaneza the provided me with the following statements:

Statements of Steve Llaneza:

Llaneza stated that he didn't locate anything else inside the RV. His goal was to hide the Ak-47, in his house, in a place where Matthew would never find it. He understood that we were just doing our job and that we were just being extra cautious. He was going to visit Matthew at the hospital and he wasn't sure if they were going to release Matthew from the hospital. He wanted to try and make sure that they didn't release Matthew too early.

SJPD POLICE REPORT	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. 11-107-1000	
REPORT TYPE ☐ NARRATIVE ☒ SUPPLEMENTAL		VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.		SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE

Sgt. Woo #2834 advised the San Jose Police Assaults Unit regarding the incident and the evidence located by Steve Llaneza in the RV.

The Ak-47 was a felony violation of 12276PC –possession of an unregistered assault weapon in CA.

The vehicle was impounded and stored at the SJPD where house.

SJPD Units responded to Valley Medical Center and contacted Suspect Matthew Llaneza. Llaneza was placed into custody and transported to PPC.

Assault Detective Wellman #3844 contacted suspect Llaneza at PPC. For details refer to Wellman's form-3.

Officer Marinelli #3554 transported and booked suspect Matthew Llaneza into the Santa Clara County Jail.

Additional information:

A records check revealed that the 1988 RV license# AMN7912 AZ plate belonged to Matthew Llaneza- 967 S. Grand Mesa, AZ 85210

An ATF records check also revealed that Matthew Llaneza was the owner of the following firearms (within the past two years):

1. AK-47 Rifle variant #1969C11007
2. Two(2) Makarov 9mm pistols #K0382176, #B252484
3. CZ75 9mm pistol # AS08040
4. Taurus PT-22 .22 cal. pistol #Y115350

OFFICER'S NAME/BADGE	DAYS OFF/SHIFT	SUPERVISOR
Hisquierdo #3221	**FSS/DAYS**	

REPORT TYPE ☐ SUPPLEMENTAL	SJPD CONTINUATION	CASE #
12280(a)(1)PC, 12280(b)PC, 12020(a)(2)		11-107-1000

NARRATIVE:

On 4/19/11 at approximately 1400 hours Ofc. Tran(#3084) and I were directed by Sgt. Oki(#2995) to assist in this investigation. I was informed that the listed subject in this incident (suspect Matthew Llaneza) was found to be in possession of an illegal assault weapon (AK-47, serial # 1969C11007) and three fully loaded thirty round magazines during a 5150(W&I) incident. Sgt. Oki directed us to interview (S)Llaneza at the SJPD pre-processing center. Ofc. Tran and I went to SJPD PPC and made contact with (S)Llaneza. (S)Llaneza was in custody when we spoke to him.

STATEMENT OF SUSPECT MATTHEW LLANEZA:

On 4/19/11 at approximately 1530 hours I read (S)Llaneza his Miranda rights from my department issued Miranda card. When I asked (S)Llaneza if he understood each of his four rights, he said, "Yes."

(S)Llaneza then asked a series of questions to clarify his Miranda rights:

(S)Llaneza: Can I have a lawyer present?
Ofc. Wellman: Sure, if you want to.
(S)Llaneza: How long will that take?
Ofc. Wellman: I don't know how long that will take. It's not going to happen right now. You can arrange that on your own.
(S)Llaneza: Can I refuse to answer questions?
Ofc. Wellman: Yes
(S)Llaneza: Ok, cool, go ahead and ask me and I'll answer to the best of my abilities and if not I'll stay blank.
Ofc. Wellman: So let me make sure I understand, you're willing to answer some questions and if not, you'll say that.
(S)Llaneza: Yes.
Ofc. Wellman: So you're willing to talk to me now or hear what I have to say.
(S)Llaneza: Yes.
Ofc. Wellman: And I'll ask you some questions to help me understand.
(S)Llaneza: Yes.

(S)Llaneza said he drove to California from Arizona in his Winnebago approximately one month before this incident. He sometimes stayed in his dad's house, but mainly lived in the Winnebago which was parked outside his dad's house on Largo DR. (S)Llaneza had some tattoos on his left shoulder that he described as horses, snakes, and arrows encircling his upper arm. (S)Llaneza said he tried to kill himself on 4/17/11 and the paramedics were called. (S)Llaneza said

OFFICERS NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	
Wellman	3844	4/27/11	Days/FSS				PG 1 OF 4

sometimes he gets off his knocker and tries to kill himself. (S)Llaneza said he was only using marijuana and alcohol, which was why he tried to hurt himself. (S)Llaneza said he tried to choke himself on the gurney. (S)Llaneza tried to jump off the freeway overpass near his father's house approximately one or two weeks before this incident. (S)Llaneza said he lost his nerve and did not jump. I then asked (S)Llaneza if he still wanted to hurt himself and he replied, "I would love to die." (S)Llaneza continued and said he just wanted a normal life. He then said, "I didn't want that in there with me." I asked (S)Llaneza to clarify what he was talking about and he said he would not say anything like that, he would just let it happen.

He did not know any way to get rid of it. He didn't know if he should saw it or throw it away, but it would be bad if any body else found "it." (S)Llaneza then continued and said he left Arizona so he could have a normal life and get away from the people there. He said he wanted to change his name so the people in Arizona could not find him. He said they were trying to kill him. He earlier had described the people after him as "spec ops" and drug gangs.

(S)Llaneza said if he tried to kill himself he would not use a gun so he would not harm other people. He would go out in the wilderness and hang himself. (S)Llaneza asked how much trouble he was in. I told him that having an "AK" in California was illegal. (S)Llaneza said he did not know what was illegal here. I explained that unfortunately the laws were different between different states. (S)Llaneza said he did not want it, he just did not know where to put it. He wanted to come here and get rid of it. He could not find a way to get rid of it. He thought along the way he would find somebody who could take it legally. (S)Llaneza again reiterated that he just wanted a normal life and to get a job. If somebody helped him get a job, he would not kill himself.

I asked (S)Llaneza if he had a gun in Arizona to protect himself from the people that were after him and he said "yes." (S)Llaneza said the people after him also tried to get him to do things, so he tried to get away from them. (S)Llaneza said he owned other guns in Arizona, but he got rid of them while he was still in Arizona. (S)Llaneza said he used legal firearms dealers to sell his guns. Ofc. Tran asked (S)Llaneza where he bought the AK he had. (S)Llaneza replied through the store. Ofc. Tran asked if it was registered properly and (S)Llaneza said that it was.

I asked if he had any other firearms in his Winnebago. (S)Llaneza replied, "This is all I'll provide unless I got a lawyer. I just want to go home. Can you tell me what's gonna happen to me?"

I told (S)Llaneza that the district attorney needed to review the case and it might take a few days. (S)Llaneza requested that he be deported to the Phillipines and have his citizenship taken away. (S)Llaneza said his family had a nice mansion that he could live at. I told (S)Llaneza that I wanted to make sure he did not have any more firearms so he would not hurt himself. (S)Llaneza said the only way he would show us is if he went with us. Ofc Tran asked (S)Llaneza

if he could just tell us where any firearms might be. (S)Llaneza asked, "Can I talk to a lawyer first?" I told him he could do whatever he wanted. I asked if he wanted to go with us right now to the Winnebago and he said, "Yeah, I'll take you right now and show you." I asked (S)Llaneza if besides the AK he had others there and he said, "Yeah." Ofc. Tran asked if there were hidden compartments in the Winnebago and he said, "Yeah." Ofc Tran then asked (S)Llaneza if he had problems with people who were after him in Arizona and if that's why he had the AK and other weapons and . (S)Llaneza said, "yes, that's why." Ofc. Tran asked if when he came from Arizona he brought the AK and (S)Llaneza said, "I'm not saying." At this time, Ofc. Tran left the interview room briefly. I told (S)Llaneza I would have to ask my Sgt. to see if he could go with us to his Winnebago. (S)Llaneza said he was willing to show us the other things in his Winnebago. I asked (S)Llaneza if there was anything in his vehicle that he did not want to show us and he said, "No." (S)Llaneza then said he was cold and asked where else he was going. I briefly explained the process of going to the main jail. (S)Llaneza then asked if he could still talk to a lawyer. I told him he could talk to a lawyer whenever he wanted. (S)Llaneza asked if he could talk to a lawyer now. I asked him if that's what he wanted to do and he said, "Yeah." I told (S)Llaneza that I would end our interview at this time. (S)Llaneza asked what his charges would be. I tried to briefly explain he would be charged with illegal possession of an assault weapon. Ofc. Tran re-entered the room and I informed him that (S)Llaneza wanted to talk to a lawyer. (S)Llaneza explained that he wanted to talk to a lawyer to see what was going on. I told (S)Llaneza I understood, but that I would not be the one to arrange a lawyer for him and I needed to stop talking to him about the incident.

On 4/20/11 at approximately 1430 hours I served a search warrant (#CSW40925) on (S)Llaneza's Winnebago at the SJPD auto warehouse. I did not find any firearms, illegal ammunition, or other contraband. I found a Ziploc bag with approximately forty rounds of 7.62x54R ball ammunition. I found several loose rounds of .22lr and .357 Sig ammunition on the interior floor of the Winnebago. I found an empty Sig Sauer gun case for a .357 Sig semi-auto pistol (serial # EAK24939). I photographed the ammunition and left it in the motor home. I found several expended casings of .357 Sig ammunition and 7.62x39 ammunition (commonly used in AK-47 type rifles).

I looked for any hidden compartments in the motor home as described by (S)Llaneza, but found none. I found what appeared to be a complete "ghillie" suit in an exterior storage compartment of the motor home. I found a Dell laptop and three cell phones in the interior living compartment of the motor home. I extracted the call logs and contact list from the one cell phone that appeared to be working. I was photographed the text messages from the cell phone. I found numerous notebooks and reference books in the interior of the motor home. Ofc. Anderson(#3177) copied the notebooks and provided me with a copy for the case file. The Silicon Valley Regional Computer Forensic Laboratory assisted the investigation by attempting to process the data in the laptop. However, the laptop was not functional and no data was extracted. Ofc. Ubarre(#3830)

photographed the various items described above found in the motor home. The items were returned to the motor home after the search warrant was executed. No items were seized and booked as evidence during the search warrant.

PHYSICAL EVIDENCE:

Ofc. Tran made an audio recording of the statement given by (S)Llaneza.

Ofc. Ubarre photographed the motor home and the various items found inside of the motor home during the execution of the search warrant.

I created a disc with electronic copies of (S)Llaneza's cell phone data and text messages. I kept a copy of the disc in the case folder.

Ofc. Ubarre up loaded the photos into the SJPD digital evidence database.

Ofc. Tran uploaded the audio recording in the SJPD digital evidence database.

SAN JOSE POLICE DEPARTMENT

NOTICE TO APPEAR

☒ MISDEMEANOR ☐ Traffic ☒ Nontraffic **No. J**

CITATION NO. 3264342

DATE OF VIOLATION	TIME	☐ AM ☒ PM	DAY OF WEEK (S M T W T F S)	CASE NUMBER
4 / 17 / 11	2240		(S)	11-67.1000

NAME (FIRST, MIDDLE, LAST) ☐ OWNER'S RESPONSIBILITY (Veh. Code, § 40001)

MATTHEW AARON LLANEZA

ADDRESS

2839 LARGO DR

CITY	STATE	ZIP CODE	☐ JUVENILE (Phone No.)
SAN JOSE	CA	95132	( )

DRIVER LIC. NO.	STATE	CLASS	COMMERCIAL	AGE	BIRTHDATE
D0073039 4	CA		☐ YES ☒ NO	27	3/18/84

SEX	HAIR	EYES	HEIGHT	WEIGHT	RACE	OTHER DESCRIPTION
M	BK	BR	5-7	140	O	

VEH. LIC. NO. OR VIN. STATE ☐ COMMERCIAL VEHICLE (Veh. Code, § 15210(b))

YR. OF VEH.	MAKE	MODEL	BODY STYLE	COLOR

EVIDENCE OF FINANCIAL RESPONSIBILITY ☐ HAZARDOUS MATERIAL (Veh. Code, § 353)

REGISTERED OWNER OR LESSEE ☐ SAME AS DRIVER

NON-TRAFFIC

ADDRESS ☐ SAME AS DRIVER

CITY	STATE	ZIP CODE

CORRECTABLE VIOLATION (Veh. Code, § 40610) ☒ BOOKING REQUIRED MISDEMEANOR OR INFRACTION (Circle)

YES	NO	CODE AND SECTION	DESCRIPTION	
☐	☒	11550 HS	- UNDER INFL. OF A	(M)
☐	☐		CONTROLLED SUBSTANCE	M I
☐	☐			M I
☐	☐			M I

SPEED APPROX.	P.F. MAX. SPD.	VEH. LMT.	SAFE	☐ RADAR ☐ LASER #	BEAT	
➤ —	—	—	—		51	N

LOCATION OF VIOLATION(S) LANE NO. W E

AT 751 BASCOM AVE —

COMMENTS (WEATHER, ROAD, AND TRAFFIC CONDITIONS) ☐ ACCIDENT S

—

☐ VIOLATIONS NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF.
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

ARRESTING OR CITING OFFICER	BADGE NO.	DATES OFF
A Baza	4037	M to W

DATE	NAME OF ARRESTING OFFICER IF DIFFERENT FROM CITING OFFICER	BADGE NO.	DATES OFF
/ /			to

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X *Signature*

WHEN: DAY FRI DATE: 6/17/11 TIME: 0900 ☒ AM ☐ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE:

☒ CRIMINAL SUPERIOR COURT
190 W. Hedding St.
San Jose, CA 95110
(408) 808-6600

☐ JUVENILE MISD.
840 Guadalupe Parkway
San Jose, CA 95110
(408) 278-5997

☐ TRAFFIC COURT
1095 Homestead Rd.
Santa Clara, CA 95050
(408) 556-3000

☐ TO BE NOTIFIED

PFN (FOR COURT USE ONLY)	CEN (FOR COURT USE ONLY)
EAY062	11510375

Notice to Appear form approved by the Judicial Council of California.
200-15 (Rev. 05/01/07) (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Pen. Code § 853.9

(Rev. 04/08) COURT COPY

SEE REVERSE
TR-130